FEDERAL REGISTER

VOLUME 24 NUMBER 122

Washington, Tuesday, June 23, 1959

Title 3—THE PRESIDENT

Proclamation 3300

AMERICAN EDUCATION WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS the education of our citizens has been a powerful and unifying force in bringing America to its present greatness; and

WHEREAS we must always defend and maintain—and employ—that greatness for ourselves and for our allies in the Free World; and

WHEREAS the lessons of today emphasize the fact that individual freedom, responsible democracy, and a rising level of living demand the full strength of a highly trained and dedicated citizenry:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the period from November 8 through November 14, 1959, as American Education Week; and I urge citizens throughout the Nation to participate actively in the observance of that week in their schools and communities.

Let us display to the world and to ourselves our pride in this primary instrument of democracy—public education—complemented by private education, which is supported by the willing sacrifices of each citizen and which benefits all. This we can do by giving our loyal and intelligent support to our schools and to the teachers who have dedicated their lives to the advancement of their students, the children of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-5226; Filed, June 19, 1959; 1:39 p.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Sweetpotatoes for Canning or Freezing [1]

On May 22, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4148) regarding a proposed revision of United States Standards for Sweetpotatoes for Canning (7 CFR §§ 51.1660 to 51.1671).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and with the addition hereinafter set forth, the following United States Standards for Sweetpotatoes for Canning or Freezing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADE

Sec.
51.1660 U.S. No. 1.

CULLS

51.1661 Culls.

APPLICATION OF STANDARDS

51.1662 Application of standards.

DEFINITIONS

51.1663 Similar type.
51.1664 Reasonably firm.
51.1665 Fairly well shaped.
51.1666 Fairly well colored.
51.1667 Damage.
51.1668 Usable piece.
51.1669 Cull material.
51.1670 Diameter.
51.1671 Length.

AUTHORITY: §§ 51.1660 to 51.1671 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Continued on p. 5105)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

GRADE

§ 51.1660 U.S. No. 1.

"U.S. No. 1" consists of sweetpotatoes of similar type which are reasonably firm, fairly well shaped, fairly well colored and which are free from soft rot, black rot, freezing injury, scald, cork or other internal discoloration, cull material and which are free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, stringiness, sunburn, insects, mechanical or other means.

(a) Unless otherwise specified, the diameter of each sweetpotato or usable piece shall be not less than 1 inch nor more than 2¼ inches, and the length shall be not less than 2 inches nor more than 7 inches.

(b) *Tolerances for off-size:* 15 percent, by weight, for sweetpotatoes in any lot which fail to meet the length and diameter requirements, including therein not more than the following amounts:

(1) 3 percent for sweetpotatoes which are smaller than the specified minimum diameter;

(2) 10 percent for sweetpotatoes which are larger than the specified maximum diameter;

(3) 5 percent for sweetpotatoes which are shorter than the specified minimum length; and,

(4) 10 percent for sweetpotatoes which are longer than the specified maximum length.

CULLS

§ 51.1661 Culls.

"Culls" consist of sweetpotatoes which fail to meet the requirements of the foregoing grade other than for size.

APPLICATION OF STANDARDS

§ 51.1662 Application of standards.

In the application of this grade to determine the percentage of the lot which meets the requirements of the U.S. No. 1 grade, tolerances shall not apply, except for size. (See § 51.1660(b).)

(a) *Tolerances.* When a lot of sweetpotatoes is required to meet the U.S. No. 1 grade, the following tolerances, by weight, shall apply:

(1) *For defects.* 10 percent for sweetpotatoes which fail to meet the requirements of the grade other than for offsize and cull material: *Provided,* That not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot; and,

(2) *For cull material.* 5 percent.

DEFINITIONS

§ 51.1663 Similar type.

"Similar type" means that each sweetpotato has the same character of flesh and the same general color of flesh as other sweetpotatoes in the lot. For example, dry type and moist type shall not be mixed, and white-fleshed and yellow or orange-fleshed varieties shall not be mixed.

§ 51.1664 Reasonably firm.

"Reasonably firm" means that the sweetpotato is not soft, flabby or more than slightly shriveled.

§ 51.1665 Fairly well shaped.

"Fairly well shaped" means that the sweetpotato is not so curved, crooked, grooved, constricted, flattened or otherwise misshapen that one or more usable pieces cannot be obtained from the potato.

§ 51.1666 Fairly well colored.

"Fairly well colored" means that sweetpotatoes of the white-fleshed varieties shall be no lighter in color than a light straw color, and that yellow or orange-fleshed varieties shall be no lighter in color than a light salmon-orange color.

§ 51.1667 Damage.

"Damage" means any defect which materially affects the canning quality, and which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, excluding peel covering the defective area.

§ 51.1668 Usable piece.

"Usable piece" means a portion of the sweetpotato which meets the requirement of the specified minimum length, and which when processed will have essentially the appearance of a whole sweetpotato.

§ 51.1669 Cull material.

"Cull material" means pieces other than usable pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter.

§ 51.1670 Diameter.

"Diameter" means the greatest dimension of the sweetpotato, or usable piece, measured at right angles to the longitudinal axis.

§ 51.1671 Length.

"Length" means the dimension of the sweetpotato, or usable piece, measured in a straight line between points at or near each end of the sweetpotato where it is at least five-eighths inch in diameter.

The United States Standards for Sweetpotatoes for Canning or Freezing contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Sweetpotatoes for Canning, which have been in effect since 1951 (7 CFR §§ 51.1660 to 51.1671).

Dated: June 17, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-5171; Filed, June 22, 1959; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops

RATE OF PENALTY

Basis and purpose. Section 346(a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. The purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of upland cotton for the 1959 crop of such cotton.

It is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers

who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.51 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops (23 F.R. 3231, 5533, 6588, 9630, and 24 F.R. 3814) is hereby amended by addition of a new paragraph (b) at the end thereof which reads as follows:

(b) *Penalty rate for 1959 crop.* The parity price for cotton effective as of June 15, 1959, is 38.18 cents per pound. The rate of penalty for cotton produced in 1959 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 19.1 cents per pound of lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 346; 52 Stat. 38, as amended; 7 U.S.C. 1301, 1346)

Issued at Washington, D.C., this 17th day of June 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5174; Filed, June 22, 1959; 8:47 a.m.]

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops

RATE OF PENALTY

Basis and purpose. Section 347(c) of the Agricultural Adjustment Act of 1938, as amended, provides that the applicable penalty rate for extra long staple cotton (hereinafter referred to as "ELS cotton") under section 346 of the act shall be the higher of 50 percent of the parity price or 50 percent of the support price for ELS cotton as of the date specified in section 346, which date is June 15 of the calendar year in which the ELS cotton crop is produced. The purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of ELS cotton for the 1959 crop of such cotton.

It is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market ELS cotton and to buyers who are charged in the regulations with the duty of collecting the penalty on ELS cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.152 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops (23 F.R. 3241, 5533, 6590, 9631, and 24 F.R. 4234) is hereby amended by addition of a new paragraph (b) at the end thereof which reads as follows:

(b) *Penalty rate for 1959 crop.* The parity price for ELS cotton effective as of June 15, 1959, is 81.90 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for 1959 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such per centum was 75 percent. No increased price support levels for 1959 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1959 crop ELS cotton were determined on the basis of the June 15, 1959 parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1959. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 hereof in calculating the rate of penalty for 1959 crop ELS cotton. Such rate of penalty shall be 40.9 cents per pound of ELS lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies secs. 301, 346, 347; 52 Stat. 38, as amended; 63 Stat. 674, 675, as amended; 7 U.S.C. 1301, 1346, 1347)

Issued at Washington, D.C., this 17th day of June 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5173; Filed, June 22, 1959; 8:47 a.m.]

[1026 (Cigar-Binder and Cigar-Filler and Binder-59)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Cigar-Binder (Types 51 and 52) Tobacco, and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco Marketing Quota Regulations, 1959–60 Marketing Year

GENERAL

AUTHORITY: §§ 723.1030 to 723.1062 issued under sec. 375, 52 Stat. 66 as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended; sec. 401, 63 Stat. 1054, as amended; sec. 125, 70 Stat. 198; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 723.1030 Basis and purpose.

Sections 723.1030 to 723.1062 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949 and the Agricultural Act of 1956, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purpose of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco during the 1959-60 marketing year. Prior to preparing §§ 723.1030 to 723.1062, public notice (24 F.R. 2873) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 723.1030

to 723.1062 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956.

§ 723.1031 Definitions.

As used in §§ 723.1030 to 723.1062, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in part 719 of this chapter: "Community Committee", "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", and "Secretary".

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1959 which has not been marketed or which has not been disposed of under § 723.1045.

(d) "Director" means the Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(f) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(h) "Producer" means a person who as owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(i) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(j) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(k) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(l) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(m) "Tobacco" means:

(1) The types set forth below, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context.

(i) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(ii) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(iii) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(iv) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut;

(v) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(vi) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(vii) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type produced principally south and east of the Wisconsin River; and

(viii) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River.

(2) Any tobacco that has the same charactertistics and corresponding qualities, colors, and lengths as either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco shall be considered respectively either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless (i) the county committee with the approval of the State committee determines that all or a part of such acreage should not be considered as cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco under subparagraph (m)(2) hereof, or (ii) the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1959 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(n) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1959 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.1045.

(o) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketed during the period October 1, 1959, to September 30, 1960, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco produced in the calendar year 1959 and marketed prior to October 1, 1959.

(p) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.1032 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.1033 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1959 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-

tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 723.1034 Identification and location of farms.

(a) Each farm as operated for the 1959 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1959 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.1035 Determination of tobacco acreage.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1959 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1959 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 723.1030 to 723.1062, inclusive, and subject to the rule of fractions heretofore provided in § 723.1033 (a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.1038 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if determination refused.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1959 tobacco acreage and the tobacco acreage in excess of the 1959 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.1036 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with 1023 (Cigar-Binder and Cigar-Filler and Binder-59)-1, Marketing Quota Regulations 1959-60 (§§ 723.1012 to 723.1028; 23 F.R. 5322, 7877). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1959 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1959 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carryover tobacco.

§ 723.1037 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in §§ 723.1020 and 723.1026 of the cigar-binder and cigar-filler and binder tobacco marketing quota regulations for determining acreage allotments and normal yields, 1959-60 marketing year.

§ 723.1038 Issuance of marketing cards.

(a) A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) to (e) of this section.

(b) *Excess marketing card (MQ-77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (c) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 723.1047(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1959 from a farm for which no 1959 acreage allotment was established, or

(ii) Where tobacco is harvested in 1959 from a farm and as provided in § 723.1035(e) the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 723.1044 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply), shall be issued in any case:

(i) Where tobacco is harvested in 1959 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1959 having carry-over tobacco available for marketing and the percent excess determined pursuant to § 723.1044(b) exceeds zero percent, or

(iii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1959, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1959 the acreage of which is in excess of the farm acreage allotment therefor and the operator or other producer on the farm fails, within ten

(10) days from the date of mailing of Form CSS-590, Notice of Excess Acreage (with deposit to cover the cost as determined by the county committee and approved by the State committee), to notify the county ASC office of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage, and the tobacco produced on the excess acreage is disposed of in accordance with § 723.1045, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to so notify or request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1959 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.1045(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the acreage of tobacco was not measured or remeasured, as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a Within Quota Marketing Card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvesting acreage of tobacco for the farm in 1959 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.1044(b).

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farms on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(d) *Stamping Within Quota Marketing Cards (MQ–76) to show producer indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ–76) issued for such farm in accordance with paragraph (c) of this section shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided,* That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ–76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco loan organization to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual loan organization charges, authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(e) *Replacing or issuing additional marketing cards or reissuing the same marketing card.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketings of tobacco from the farm have been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen. The county office manager who issued the marketing card may, under § 723.1052 (b), reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1960.

§ 723.1039 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned agricultural experiment station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC county office.

§ 723.1040 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.1041 Successors in interest.

Any person who succeeds, other than as a buyer, in whole or in part of the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.1042 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county office manager who issued the card, then such card shall become valid.

§ 723.1043 Report of misuse of marketing card.

Any information which causes a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.1044 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined, as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.1045 by the total acreage of tobacco harvested from the farm.

(b) Marketing of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i.e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced except that if the excess portion of the carry-over tobacco has been disposed of under § 723.1045, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1959 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.1045 Disposition of excess tobacco.

(a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1959 harvested acreage is less than the 1959 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1959 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.1044 (b) is less than the 1959 allotment may be marketed penalty free.

§ 723.1046 Identification of marketing.

Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1959 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.1047 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1958–59 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1958–59 marketing year was 33.8 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 52.4 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1959–60 marketing year shall be 25 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 39 cents per pound in the case of cigar-binder (types 51 and 52) tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.1044.

§ 723.1048 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.1049 Marketings deemed to be excess tobacco.

Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State administrative officer showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(d) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1959 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm.

(2) If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.1052(c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be

due on the date of false identification or failure to account. The filing of a report by a producer under § 723.1052 (c) or (e) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(3) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (e) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.1035 shall be paid by the producer.

(e) *Erroneous notice of measured acreage.* If it is determined that the tabacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 723.1027, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 723.1050 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except (1) in the case of tobacco removed from storage as provided in § 723.1045(b), or (2) in the case of false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office, not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Commodity Stabilization Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Converted penalty rate.* The penalty due on any sale of tobacco by a producer as determined under §§ 723.1030 to 723.1062 shall be subject to the converted rate of penalty for the farm on which the tobacco was produced and shall be paid as specified in § 723.1048 even though the penalty may exceed the proceeds for the sale of tobacco.

§ 723.1051 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.1030 to 723.1062 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.

Records and Reports

§ 723.1052 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1959. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in the filing of the false report, pursuant to applicable Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1960–61 Marketing Year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1959 shall return to the ASC county office the marketing card(s) issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1960. Failure to return the marketing card(s) within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section. The county office manager who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1960.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASC State office as follows with respect to such tobacco.

(i) If the 1959 harvested acreage is not in excess of the 1959 farm tobacco acreage allotment, the producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State administrative officer, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1959 harvested acreage is in excess of the 1959 farm acreage allotment, the producer-manufacturer shall furnish the ASC State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State administrative officer, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.1044(b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyer of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer-manufacturer to account for the production and disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, pursuant to applicable Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1960–61 Marketing Year, and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.1049(d).

(3) The reports required by this paragraph shall be in addition to the reports

required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotment next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in such marketing, pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 1960–61 marketing year.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.1030 to 723.1062, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State administrative officer within fifteen days after the deposit of such request in the United States mails, addressed to such person at his last know address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report,

(1) The number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm,

(2) The total pounds of tobacco produced.

(3) The amount of tobacco on hand and its location, and

(4) As to each lot of tobacco marketed, the name and address of the buyer or other persons to or through whom such tobacco was marketed, and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if the county and State committee determine that no person connected with such farm caused, aided or acquiesced in such marketing, pursuant to applicable Cigar-Filler Tobacco, Cigar-Binder Tobacco, and Cigar-Filler and Binder Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1960–61 Marketing Year.

(f) *Harvesting second tobacco crop from same acreage.* If the calendar year 1959 more than one crop of tobacco is grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco has been so grown and harvested.

§ 723.1053 Buyer's records.

(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASC State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95—Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State administrative officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.1030 to 723.1062.

§ 723.1054 Buyer's reports.

(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASC State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale and the amount of the penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in § 723.1047(b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.1055 Buyers not exempt from regular records and reports.

No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which received tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.1030 to 723.1062 for buyers.

§ 723.1056 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.

(a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator.

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as

will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.1057 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.1058 Failure to keep records or make reports or making false report of records.

(1) *Misdemeanor provisions.* Any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.1030 to 723.1062 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a buyer or trucker shall be given by the State administrative officer and notice of violation by a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall be given by the Director.

(2) *Criminal law.* The penalties which may be imposed under subparagraph (1) of this paragraph are in addition to, and not exclusive of any other remedies or penalties under existing law, including the provisions of U.S. Code, Title 18, section 371 relating to acts of conspiracy and U.S. Code, Title 18, section 1001 relating to acts of fraud.

§ 723.1059 Additional records and reports to Director.

Any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 723.1030 to 723.1062, keep such records and make such reports to the Director as he may find necessary to enforce §§ 723.1030 to 723.1062.

§ 723.1060 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available at one convenient place for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, and upon written request by the State administrative officer or Director, all books, papers, records, accounts, buyer adjustment invoices, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 723.1061 Length of time records and reports to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 723.1030 to 723.1062 for the 1959–60 marketing year shall be kept by him until September 30, 1962. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 723.1062 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.1030 to 723.1062 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 17th day of June 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5175; Filed, June 22, 1959; 8:47 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1959

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter called the "act"), for the purpose of allotting the 1959 sugar quota for the Domestic Beet Sugar Area. The basis and purpose of the order are more fully explained below.

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

Preliminary statement. Section 205(a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on March 5, 1959 (24 F.R. 1661), of a public hearing to be held in Washington, D.C., Room 5862, South Building, U.S. Department of Agriculture, on March 19, 1959, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1959 quota for the Domestic Beet Sugar Area for the calendar year 1959, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee, and (c) substituting final data for estimates of such data and, (4) to provide for the applicability of certain marketings to allotments. The hearing was held at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice.

Based upon the record of the hearing and pursuant to the applicable rules of practice and procedure, the Administrator, Commodity Stabilization Service, United States Department of Agriculture on April 24, 1959, filed a recommended decision and proposed order with respect to the allotment of the 1959 sugar quota for the Domestic Beet Sugar Area with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C. Notice of such filing and oppor-

tunity to file exceptions thereto (24 F.R. 3377, 3799) was given to all interested persons in the manner provided in the rules of practice and procedure.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. No exceptions to the recommended decision and proposed order were filed.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him. * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1959 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 9).

All three factors specified in the provision of the law quoted above have been considered by the formula on which this allotment of the 1959 Domestic Beet Sugar Area quota is based (R. 18). The formula follows the proposal made in the record and as recommended to the Government by an industry task force (R. 14, 15; Ex. 5). The Government witness proposed that the allotment procedure should provide for the determination of allotments in short tons, raw value, in the manner used in the 1958 allotment order (R. 20).

The method herein adopted provides for the determination of allotments in short tons, raw value, as required by the Act, and provides for full application of the formula in determining allotments of any quota.

Production of sugar from 1958-crop sugar beets, exclusive of known quantities to which proportionate shares did not pertain, is the most up-to-date measure of the "processings" factor available to represent the operations for a full year for each processor. A weighting of 75 percent to the processing factor in determining base allotments appears consistent with the importance of this factor considering that sugar produced from the 1958 crop will represent approximately 80 percent of the sugar to be marketed within the 1959 quota (R. 18, 19).

The factor "past marketings" when measured by the 1954–58 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1959, contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 19). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past. In the allotment method adopted herein the "ability to market" factor is partially reflected in the measures of the other two factors. Additional consideration is appropriately given this factor by adjusting base allotments for January 1, 1959, inventory imbalances as set forth in detail in the findings (R. 19).

The allotment method as set forth in the findings recognizes the "hardship" provision of section 205(a) of the act (R. 19).

All findings and conclusions, including those dealing with issues not discussed above, are based on single proposals in the record from which there were no dissents (R. 25).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1959 Domestic Beet Sugar processors will have available for marketing from 1958-crop sugar beets about 1,630,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1959-crop beets, will result in a supply of sugar available for marketing in 1959 sufficiently in excess of the anticipated 1959 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1959 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) Processings of sugar from 1958-crop sugar beets, by each processor, exclusive of known quantities of sugar produced from sugar beets to which proportionate shares did not pertain is a fair, efficient and equitable measure of processings of sugar from the 1958-crop of sugar beets to which proportionate shares pertained.

(4) To assure a fair, efficient and equitable distribution of the 1959 Domestic Beet Sugar Area quota for consumption within the continental United States, the three factors specified in section 205(a) of the act shall be given consideration and allotments determined as follows:

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1958-crop sugar beets, exclusive of known quantities of sugar produced from non-proportionate share beets, or the alternative measure provided for herein, expressed as a percentage of the total of such processings for all processors, and weighted by 75 percent: Provided, That in recognition of the "hardship" provision in section 205(a) of the act, an alternative measure derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1958-crop processings: (Processor's 1957-crop processings) × (Industry total 1958-crop processings ÷ Industry total 1957-crop processings) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1958-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1954 through 1958, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentages resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota, in short tons, raw value, to determine his base allotment, in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1959, inventory imbalances to the extent and as determined below: *Provided, however,* That in such determination the January 1, 1959 effective inventory to be used for a processor subject to the hardship provision of (a)(i), above, shall be the total of his actual January 1, 1959 effective inventory plus the quantity by which his alternative measure of processings exceeds his actual 1958 processings.

(i) Compute the "plus" or "minus" January 1, 1959 inventory imbalance for each processor, by algebraically subtracting from his January 1, 1959 effective inventory his January 1, 1954–58 average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors are equal to the total January 1, 1959 effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i) shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1954–58 average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (b)(iii), among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iv) The adjustments determined pursuant to (b)(ii) and (b)(iii), representing hundredweight of refined sugar, shall be multiplied by the factor 0.0535 to ex-

press such adjustments in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a) (iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b) (iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(5) The quantities of sugar and the percentages referred to in paragraph (4), above, are set forth in the following table. They are based on data as provided for in the hearing record including estimates for 1958 processings, 1958 marketings, and January 1, 1959 inventories which shall be used pending the availability and substitution of final data for such estimates, and as applied to the Domestic Beet Sugar Area quota of 1,998,717 short tons, raw value.

Processor	Processings from 1958-crop beets		Average marketings within allotments 1954-58		Base allotments		January 1 effective inventories, hundredweight refined			Adjustments to base allotments		Processor allotments (col. 6 + or − col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2 × 0.75 + col. 4 × 0.25)	Short tons raw value (col. 5 × quota)	1959	1954-58 average adjusted to col. 7 total	1959 inventory imbalances (col. 7 − col. 8)	Hundredweight refined [1]	Short tons, raw value (col. 10 × 0.0535)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	5,999,891	14.4931	4,809,557	13.0474	14.1317	282,453	4,483,693	3,833,455	+650,238	+66,723	+3,570	286,023
American Crystal Sugar Co	5,095,656	12.3088	5,167,539	14.0186	12.7362	254,560	3,969,771	4,691,602	−721,831	−66,580	−3,562	250,998
Buckeye Sugars, Inc	200,670	.4847	177,162	.4806	.4837	9,669	142,004	145,752	−3,748	−346	−19	9,650
Franklin County Sugar Co	190,262	.4596	191,459	.5194	.4745	9,484	108,399	109,914	−1,515	−140	−7	9,477
Great Western Sugar Co., The	10,391,806	25.1020	8,679,707	23.5464	24.7131	493,945	8,041,947	7,397,851	+644,096	0	0	493,945
Holly Sugar Corp	6,300,000	15.2180	5,977,830	16.2167	15.4677	309,155	4,761,471	5,238,213	−476,742	−43,973	−2,353	306,802
Layton Sugar Company	225,909	.5457	180,556	.4898	.5317	10,627	179,353	161,942	+17,411	+304	+16	10,643
Menominee Sugar Company	343,077	.8287	226,729	.5151	.7753	15,496	186,080	75,912	+110,168	+25,644	+1,372	16,868
Michigan Sugar Company	1,721,119	4.1575	1,287,096	3.4916	3.9910	79,769	1,231,001	969,814	+261,187	+41,052	+2,196	81,965
Monitor Sugar Div., Robert Gage Coal Co	712,141	1.7202	599,989	1.6277	1.6971	33,920	473,056	447,291	+25,765	0	0	33,920
National Sugar Mfg. Co., The	173,048	.4180	93,238	.2529	.3767	7,529	120,958	62,807	+58,151	+12,967	+694	8,223
Northern Ohio Sugar Co	658,485	1.5906	454,759	1.2337	1.5014	30,009	387,459	245,302	+142,157	+29,407	+1,573	31,582
Spreckels Sugar Co	4,100,000	9.9038	3,960,962	10.7454	10.1142	202,154	2,672,452	2,953,210	−280,758	−25,896	−1,385	200,769
Union Sugar Div., Consolidated Foods Corp	1,348,743	3.2580	1,430,085	3.8796	3.4134	68,224	1,084,044	1,275,944	−191,900	−17,700	−947	67,277
Utah-Idaho	3,937,500	9.5113	3,625,412	9.8351	9.5923	191,723	2,834,140	3,066,819	−232,679	−21,462	−1,148	190,575
Total	41,398,307	100.0000	36,862,080	100.0000	100.0000	1,998,717	30,675,828	30,675,828	±1,909,173	±176,097	±9,421	1,998,717

[1] Determined as follows: Plus (+) adjustments = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) × (25 percent); minus (−) adjustments = the total of (+) adjustments in Col. 10, amounting to 176,097 cwt., prorated to processors on the basis of (−) quantities in Col. 9.

(6) The order shall be revised without further notice or hearing for the purpose of (a) substituting final data for estimated data on 1958-crop processings, 1958 marketings and January 1, 1959 inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any change in the quota for the area resulting from a change in United States sugar requirements purusant to sections 201 and 202 of the act or from the proration of a deficit in the quota of any area pursuant to section 204 of the act. In making revisions to give effect to a change in the quota for the area allotments shall be computed in the same manner as is provided for in this order.

(7) Official notice will be taken of (a) final data for 1958-crop processings, 1958 marketings and January 1, 1959 inventories that become a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1959 Domestic Beet Sugar Area quota.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) Allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1959 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act: *It is hereby ordered:*

§ 813.1 Allotment of the 1959 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1959 Domestic Beet Sugar Area quota for consumption within the continental United States of 1,998,717 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	286,023	5,346,224
American Crystal Sugar Co	250,998	4,691,551
Buckeye Sugars, Inc	9,650	180,374
Franklin County Sugar Co	9,477	177,140
Great Western Sugar Co., The	493,945	9,232,617
Holly Sugar Corp	306,802	5,734,617
Layton Sugar Co	10,643	198,935
Menominee Sugar Co	16,868	315,290
Michigan Sugar Co	81,965	1,532,056
Monitor Sugar Div., Robt. Gage Coal Co	33,920	634,019
National Sugar Manufacturing Co., The	8,223	153,701
Northern Ohio Sugar Co	31,582	590,318
Spreckels Sugar Co	200,769	3,752,691
Union Sugar Div., Consolidated Foods Corp	67,277	1,257,514
Utah-Idaho Sugar Co	190,575	3,562,149
Any other person	0	0
Total	1,998,717	37,359,196

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943).

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Sec. 403, 61 Stat. 923; 7 U.S.C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 18th day of June, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5203; Filed, June 22, 1959; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1959 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR CHOICE (B) UPLAND COTTON

Correction

In F.R. Document 59-4926 appearing in the issue for Tuesday, June 16, 1959, at page 4869, make the following changes:

1. The entry "Kennedy, Lamer" under Alabama should read "Kennedy, Lamar".

2. The figure "29.23" for Thomson, McDuffie under Georgia should read "29.33"

[1959 C.C.C. Cotton Bulletin 2 Amdt. 1]

PART 427—COTTON

Subpart—1959 Cotton Purchase Program Regulations

SCHEDULE OF BASE PURCHASE RATES FOR CHOICE (A) UPLAND COTTON

Correction

In F.R. Document 59-4927, appearing in the issue for Tuesday, June 16, 1959, at page 4876, make the following change:

The figure for Athens, Limestone, should read "34.53".

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	June 2, 1959
New York	3½	May 29, 1959
Philadelphia	3½	June 5, 1959
Cleveland	3½	June 12, 1959
Richmond	3½	Do.
Atlanta	3½	June 2, 1959
Chicago	3½	May 29, 1959
St. Louis	3½	Do.
Minneapolis	3½	Do.
Kansas City	3½	June 5, 1959
Dallas	3½	May 29, 1959
San Francisco	3½	June 11, 1959

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	June 2, 1959
New York	4	May 29, 1959
Philadelphia	4	June 5, 1959
Cleveland	4	June 12, 1959
Richmond	4	Do.
Atlanta	4	June 2, 1959
Chicago	4	May 29, 1959
St. Louis	4	Do.
Minneapolis	4	Do.
Kansas City	4	June 5, 1959
Dallas	4	May 29, 1959
San Francisco	4	June 11, 1959

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Mar. 10, 1959
New York	4½	May 29, 1959
Philadelphia	4½	June 5, 1959
Cleveland	4½	June 12, 1959
Richmond	4½	Mar. 13, 1959
Atlanta	4½	Oct. 28, 1958
Chicago	4½	Mar. 6, 1959
St. Louis	4½	May 29, 1959
Minneapolis	4½	Mar. 16, 1959
Kansas City	4½	Mar. 13, 1959
Dallas	4½	Oct. 24, 1958
San Francisco	4½	Mar. 12, 1959

4. Section 224.5 relating to rates on advances to industrial and commercial business (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans for the Federal Reserve Bank of New York from 4–6 to 4½–6, effective May 29, 1959; for the Federal Reserve Bank of Cleveland from 3½–6 to 4½–6 effective June 12, 1959; and for the Federal Reserve Bank of Atlanta from 4–6 to 4½–6, effective June 2, 1959.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-5162; Filed, June 22, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Amdt. 16]

PART 608—RESTRICTED AREAS

Alterations

Correction

In the last line of item 6 in F.R. Doc. 59-4119, appearing at page 3875 of the issue for Thursday, May 14, 1959, "longitude 11°26'00'' " should read "longitude 117°26'00''."

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 1—SERVICES AND PUBLICATIONS OF THE DEPARTMENT OF COMMERCE AND CHARGES THEREFOR

Revocation

The material appearing under this part has been superseded by internal procedures for the establishment of

charges for services and publications. Accordingly, Part 1, as identified above, is hereby revoked. Henceforth, fixed fees and charges established by the individual organization units of the Department will be published as appropriate in applicable titles and chapters of the Code of Federal Regulations.

Dated: June 16, 1959.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F.R. Doc. 59-5158; Filed, June 22, 1959; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL

Daily Reports by Clearing Members; Information Shown; Delivery Notices

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C. 1958 ed., secs. 1–17a), §§ 2.01, 9.01, 10.01, and 11.01 of Parts 2, 9, 10, and 11, Chapter I, Title 17, Code of Federal Regulations (17 CFR, 2.01, 9.01, 10.01, 11.01), are hereby amended by deleting paragraph (e) from each of the aforesaid sections.

The effect of these amendments will be to reduce the amount of information which clearing members of contract markets are now required to furnish on forms 200, 900, 1000, and 1100, by eliminating the requirement for information concerning delivery notices. Since these amendments will operate to relieve or liberalize existing requirements and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendments should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued: June 18, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5202; Filed, June 22, 1959; 8:50 a.m.]

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Notice of Certain Proposed Offerings

The Securities and Exchange Commission announced today that it has adopted certain amendments to its Rule 135 under the Securities Act of 1933. Notice of the proposed action was published April 23, 1959 in Securities Act Release No. 4072.

This rule provides that a notice or other communication sent by an issuer to security holders to inform them of the proposed issuance of rights to subscribe to additional securities shall not be deemed to offer any security for sale if the communication is transmitted within 60 days prior to the record date, states that the offering will be made only by the prospectus and in addition contains only certain specified information necessary to inform the security holders of the forthcoming offering.

The amendments expand the rule to authorize the sending of similar notices where an issuer proposes to offer securities to its own security holders, or to the security holders of another issuer, in exchange for securities presently held by them, or proposes to make an offering of securities to its employees or to the employees of an affiliate.

The text of the rule as amended is as follows:

§ 230.135 Notice of certain proposed offerings.

(a) For the purposes only of section 5 of the Act, the following notices sent by an issuer in accordance with the terms and conditions of this section shall not be deemed to offer any security for sale:

(1) A notice to any class of its security holders advising them that it proposes to issue to such security holders rights to subscribe to securities of such issuer;

(2) A notice to any class of security holders of such issuer or of another issuer advising them that it proposes to offer its securities to them in exchange for other securities presently held by such security holders; or

(3) A notice to its employees or to the employees of any affiliate advising them that it proposes to make an offering of its securities to such employees.

(b) Such notice shall be sent not more than 60 days prior to the proposed record date for determining the security holders entitled to subscribe to the securities or, if there is no such record date, not more than 60 days prior to the proposed date of the initial offering of the securities.

(c) The notice shall state that the offering will be made only by means of a prospectus which will be furnished to such security holders or employees, as the case may be, and shall contain no more than the following additional information:

(1) The name of the issuer;

(2) The title of the securities proposed to be offered;

(3) In the case of a rights offering, the class of securities the holders of which will be entitled to subscribe to the securities proposed to be offered, the subscription ratio, the proposed record date, the approximate date upon which the rights are proposed to be issued, the proposed term or expiration date of the rights and the approximate subscription price, or any of the foregoing;

(4) In the case of an exchange offering, the name of the issuer and the title of the securities to be surrendered in exchange for the securities to be offered, the basis upon which the exchange is proposed to be made and the period during which the exchange may be made, or any of the foregoing;

(5) In the case of an offering to employees, the name of the employer and class or classes of employees to whom the securities are proposed to be offered, the offering price or basis of the offering and the period during which the offering is to be made, or any of the foregoing; and

(6) Any statement or legend required by State law or administrative authority.

(Sec. 19, 48 Stat. 85, as amended; 15 U.S.C. 77s)

* * * * *

Inasmuch as Rule 135 is in the nature of an interpretative rule and the amendments relieve a restriction in the applicability of the rule, the Commission finds that the amendments may be made effective immediately. Accordingly, the foregoing amendments shall become effective upon publication June 16, 1959.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

JUNE 16, 1959.

[F.R. Doc. 59-5166; Filed, June 22, 1959; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54874]

PART 25—CUSTOMS BONDS

Miscellaneous Amendments

Delegation to collectors of customs of authority to approve general term bonds (customs Form 7595), §§ 25.3, 25.4, and 25.12, Customs Regulations, relating to approval of customs bonds, amended.

Under present regulations the General Term Bond for Entry of Merchandise, customs Form 7595, is approved by the Bureau. It is believed that approval of this bond may properly be delegated to collectors of customs. Accordingly, §§ 25.3(a) and 25.4(a) of the Customs Regulations are amended as follows:

1. Section 25.3(a) is amended by deleting subparagraph (3) and by renumbering subparagraph (4) as subparagraph (3).

2. Section 25.4(a) is amended by renumbering subparagraphs (25) through (32) as subparagraphs (26) through (33), and by inserting a new subparagraph (25) reading as follows:

(25) General term bond for the entry of merchandise, customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the collector. A principal desiring to execute this form of bond shall file with a collector at any headquarters port to be named in the bond an application for permission to file the bond. The application shall show the ports at which it is intended to file entries; the general character of the merchandise to be entered; and the total amount of ordinary customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the collector of customs. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some of or all the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

3. Since Treasury Department Form No. 356, Companies Holding Certificates of Authority from the Secretary of the Treasury under the Act of Congress Approved July 30, 1947 (6 U.S.C., Secs. 6–13) as Acceptable Sureties on Federal Bonds, is issued annually, rather than semiannually, § 25.12(a) of the Customs Regulations is amended by substituting the word "annually" for "semiannually" in the first sentence.

(R.S. 161, as amended, 251, secs. 623, 624, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1623, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 15, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5188; Filed, June 22, 1959; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 336—EXHAUSTION OF RIGHTS TO UNEMPLOYMENT BENEFITS

Correction

In F.R. Document 59-5135, appearing in the issue for Saturday, June 20, 1959, at page 5018, the designation for Part 326 should be changed to Part 336 and should read as set forth above.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1880]

[1894999]

CALIFORNIA

Partially Revoking Departmental Orders of November 16, 1932, and January 15, 1942, Which Withdrew Lands in Connection With Central Valley Project, California

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of November 16, 1932, and January 15, 1942, which withdrew lands in California for reclamation purposes in the first form in connection with the Central Valley Project, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 N., R. 10 E.,
Sec. 12, lots 5 and 7, NE¼NE¼, SW¼NE¼, NW¼NW¼SW¼, SE¼SW¼SE¼, and SW¼SE¼SE¼.
T. 9 N., R. 10 E.,
Sec. 13, lot 11;
Sec. 23, E½SE¼NE¼, and S½SE¼NE¼NE¼;
Sec. 25, lot 6, NE¼NE¼NW¼, and S½NE¼NW¼.
T. 9 N., R. 11 E.,
Sec. 7, East 20 acres of lot 3 and east 20 acres of lot 4;
Sec. 18, East 20 acres of lot 1, East 20 acres of lot 2, East 20 acres of lot 3, and N½ of east 20 acres of lot 4;
Sec. 19, lot 4, E½NE¼NW¼, SE¼NE¼SW¼, S½NW¼SE¼, SE¼SW¼, and SW¼SE¼;
Sec. 20, SE¼NW¼, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼, and S½NE¼SE¼.

The areas described aggregate approximately 775 acres.

2. The lands are, except as described in paragraph 3 hereof, nonpublic lands, or are included in other withdrawals. In some instances, they have already been opened, subject to section 24 of the Federal Power Act, to entry for certain purposes.

3. In DA–918—California, issued March 11, 1957, the Federal Power Commission vacated the withdrawal created by the filing on June 20, 1924, of an application for a preliminary permit in Power Project No. 514, so far as that Project affects the following-described lands:

T. 8 N., R. 10 E.,
Sec. 12, S½SE¼.
Containing 80 acres.

The lands are also withdrawn in Power Site Reserve No. 416. In DA–918—California, the Commission made a favorable determination under section 24 of the Federal Power Act of 1920, as amended.

4. The lands are located in Southern El Dorado County, approximately six miles north of Plymouth, California. The soil is reddish clay, with a vegetative covering of scattered timber, chamise and scrub oak. The lands are rough and mountainous.

5. No application for the lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights, and the requirements of applicable law, the lands described in paragraph 3 of this order are hereby opened to location, entry, or selection under the public land laws, in accordance with the following, subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, and subject to the condition that in the event the said tract is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, presented prior to 10:00 a.m. on July 18, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on October 17, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on October 17, 1959, will be considered as simultaneously filed at that hour. Rights under such appli-

cations and selections filed after that hour will be governed by the time of filing.

7. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621, et seq.).

8. The preference rights under the act of May 28, 1948 (62 Stat. 275; 16 U.S.C. 818) and the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), have been waived by the State of California.

9. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

10. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

JUNE 12, 1959.

[F.R. Doc. 59-5163; Filed, June 22, 1959; 8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order 1, Revised]

PART 401—FOREIGN EXCESS PROPERTY

Entries in Bond Other Than for Reexport

On May 12, 1959 there was published in the FEDERAL REGISTER (24 F.R. 3800) a notice of proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property. Said notice provided for the submission of data, views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the Notice of Proposed Rule Making. Data, views and arguments have been received in writing and have been considered.

Pursuant to the Administrative Procedure Act, insofar as it may be applicable hereto Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366) is hereby amended by the addition thereto of § 401.9a immediately following § 401.9 in the text of said order. Section 401.9a is made effective upon the date of publication hereof in the following form:

§ 401.9a Entries in bond other than for reexport.

(a) If an applicant for an FEP Import Determination or FEP Import Authorization elects to do so, he may specify in his application that the foreign excess property which he proposes to import will be processed, reprocessed, disposed of, or otherwise dealt with in a stated manner. If the FEPO determines that importation of the property under the specified conditions would relieve a domestic shortage or otherwise be beneficial to the economy of this country, but that importation of such property for any different use or purpose would not satisfy these criteria, he may authorize importation of such property upon condition that the applicant, prior to or concurrently with entry of the property, furnish a bond with sufficient surety to the Collector of Customs at the port of entry of such property. Such bond shall conform to Bureau of Customs Forms 7551 or 7555, and shall contain such added special condition or conditions as may be appropriate to the case. The penal sum of any such bond shall be three times the value of the property to be imported.

(b) The special condition or conditions of every bond proposed to be authorized under paragraph (a) of this section shall be submitted by the FEPO to the Commissioner of Customs for his concurrence. No conditional FEP Import Determination or conditional FEP Import Authorization shall be issued with respect to any property unless and until the concurrence of the Commissioner of Customs with respect to the special condition or conditions of the bond applicable thereto shall have been received by the FEPO.

(c) Upon receipt of concurrence of the Commissioner of Customs in the special condition or conditions of a proposed bond, the FEPO may issue a conditional FEP Import Determination or conditional FEP Import Authorization as provided in this section. Such conditional FEP Import Determination or conditional FEP Import Authorization shall specify the condition or conditions under which the foreign excess property described therein may be imported into the United States, and shall set forth the special condition or conditions of the bond provided for in this section. The property described therein may thereupon be imported only upon presentation of a conditional FEP Import Authorization in due form, accompanied by an appropriate surety bond, to the Collector of Customs at the port of entry of such property.

(d) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds, and for the enforcement thereof.

(Sec. 402, 63 Stat. 398; 40 U.S.C. 512)

This amendment shall take effect upon the date of its publication in the FEDERAL REGISTER.

Dated: June 17, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-5179; Filed, June 22, 1959; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Correction of CFR Supplement

In § 193.95, appearing at page 156 of Code of Federal Regulations Supplement as of January 1, 1959, to Title 49, Part 165 to End, paragraph (c) was erroneously deleted, and paragraph (e) was erroneously retained. These two paragraphs should read as follows in the supplement:

(c) *Spare fuses.* At least one spare fuse or other overload protective device, if the devices used are not of a reset type, for each kind and size used. In drive-away-towaway operations, spares located on any one of the vehicles will be deemed adequate.

* * * * *

(e) *Hand tools.* [Deleted, 23 F.R. 6557, Aug. 23, 1958]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 88]

ALASKA

Small Tract Classification; Amendment

JUNE 16, 1959.

Effective July 6, 1959, paragraph 1 of Federal Register Document 54-7580 appearing in the issue for September 28, 1954, is hereby amended, in-so-far as the description of the land embraced is concerned, to read as follows to adjust the original metes and bounds boundary to conform with the now rectangular surveyed description:

FLAT LAKE AREA

FOR LEASE AND SALE

FOR RECREATION SITES

T. 17 N., R. 4 W., Seward Meridian
Sec. 28: Lots 1–15, incl., 17, 21, 24–34, inc., 36, 37, SW¼NW¼SE¼NE¼, S½N½SW¼NE¼, S½NE¼SE¼NW¼.
Sec. 29: Lots 2, 3, 5, 6, 7, 8.
Sec. 32: Lots 1, 2, 3.
Sec. 33: Lots 1, 6–9, inc., 15–20, inc.

Aggregating 193.21 acres.

Paragraph 1, of said order, is further amended to delete the following described parcels of land for the reason that they were subject to prior existing claims and were not, therefore, available for classification:

FLAT LAKE AREA

T. 17 N. R. 4 W., Seward Meridian
Sec. 28:
Lot 18 (claimed by Anchorage 024470)
S½ of Lot 19 (claimed by Anchorage 025284)
Lot 20 (claimed by Anchorage 024514)
Lot 22 (claimed by Anchorage 024471)
Lot 23 (claimed by Anchorage 024464)
Lot 35 (claimed by Anchorage 027253)
Sec. 33:
Lot 13 (claimed by Anchorage 024471)
Lot 14 (claimed by Anchorage 024514)

Aggregating 18.98 acres.

Paragraph 1, of said order, is further amended to delete the following described parcel of land for the reason that it has been found to be better suited to other uses and has been re-classified under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869; 43 CFR Part 254) as amended:

FLAT LAKE AREA

T. 17 N., R. 4 W., Seward Meridian.
Section 28: N½ of Lot 19

Totalling approximately 4.74 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-5164; Filed, June 22, 1959; 8:46 a.m.]

[Serial No. Idaho 010503]

IDAHO

Order Providing for Opening of Public Lands

JUNE 15, 1959.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended by the Act of June 26, 1936 (49 Stat. 1976, 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 5 W.,
Sec. 5; NW¼SW¼.
Owyhee County, about 16 miles southeast of Jordan Valley, Oreg., and 2 miles west of South Mountain.
T. 6 S., R. 6 W.,
Sec. 35; SE¼SE¼.
Owyhee County, about 9 miles south of Jordan Valley, Oreg.
T. 6 S., R. 12 E.,
Sec. 4; Lots 2, 3, SW¼NE¼, SE¼NW¼.
Gooding County, about 5 miles west of Bliss, Idaho and 2 miles north of Snake River.
T. 7 S., R. 15 E.,
Sec. 23; S½NW¼, NE¼SW¼, NW¼SE¼.
Gooding County, about 3 miles east of Wendell, Idaho.
T. 2 S., R. 18 E.,

Parcel 1

Sec. 3; W½SW¼;
Sec. 4; E½SW¼, NE¼SE¼, W½SE¼;
Sec. 9; SE¼SE¼.
Blaine County, about 25 miles north of Shoshone, Idaho.

Parcel 2

Sec. 30; SE¼SE¼;
Sec. 31; E½NE¼, NE¼SE¼;
Sec. 33; E½SW¼.
Blaine County, about 21 miles north of Shoshone, Idaho.
T. 16 S., R. 18 E.,
Sec. 29; S½;
Sec. 30; Lot 1, E½NW¼.
Twin Falls County, located about 25 miles southeast of Rogerson, Idaho.
T. 1 S., R. 19 E.,
Sec. 32; NE¼NE¼, NE¼NW¼.
Blaine County, about 31 miles northeast of Shoshone, Idaho or 20 miles south of Hailey, Idaho.
T. 13 S., R. 21 E.,
Sec. 9; W½NE¼.
Cassia County, about 9 miles northwest of Oakley, Idaho.
T. 9 S., R. 26 E.;
Sec. 34; W½NW¼, SE¼NW¼, NW¼SW¼.
Cassia County, about 30 miles east of Burley, Idaho and 3 miles south of Lake Walcott Reservoir.
T. 14 S., R. 29 E.,
Sec. 3; Lot 4, SW¼NW¼.
Cassia County about 19 miles southeast of Malta, Idaho.
T. 1 N., R. 32 E.,
Sec. 26; SW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 29; NE¼NE¼, W½, W½E½, E½SE¼;
Sec. 30; E½NE¼;
Sec. 32; W½, SE¼SE¼.
Bingham County, about 35 miles southeast of Arco, Idaho.
T. 9 S., R. 34 E.,
Sec. 13; NE¼SE¼.
Power County, about 21 miles south of Pocatello, Idaho.

Within the above-described lands are 3,051.55 acres of public lands.

The lands in Parcel 1, T. 2 S., R. 18 E., were originally patented with minerals reserved to the United States and they have been open to application and offer under the mineral laws of the United States. Therefore, the lands are not opened by this order to applications or offers under the mineral leasing or mining laws of the United States.

The lands involved are scattered throughout southern Idaho. Elevation varies from 3,100 feet to 6,500 feet. The topography varies from moderately level and rolling to rough through some of the land. The soil is generally a light-colored, silt-loam interspersed with cobbles and basaltic rock outcrops with some clay and sand. The vegetation is typical of dry grazing land in southern Idaho—sagebrush and cheatgrass with some bunchgrasses. The main value of these lands is for grazing of livestock.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on July 21, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on October 20, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on October 20, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 59-5165; Filed, June 22, 1959; 8:46 a.m.]

Fish and Wildlife Service

FISHING GEAR REGISTRATIONS; BRISTOL BAY AREA, ALASKA

Announcement of Units for Use in 1959

In accordance with 50 CFR 104.9(c), announcement is made of the total number of units of gear registered for use in the salmon fishing districts of Bristol Bay as of 6 p.m. Friday, June 19, 1959, as follows:

	Units
Kvichak-Naknek	150
Nushagak	293
Egegik	60
Ugashik	50

Dated: June 22, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-5250; Filed, June 22, 1959; 11:25 a.m.]

Oil Import Administration

CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS

Public Hearing Respecting Level of Imports Into Puerto Rico

Paragraph (b) of section 14 of Oil Import Regulation 1, Revision 1—"Determination of maximum level of imports—Puerto Rico", provides: "The Administrator shall from time to time review the determinations set forth in paragraph (a) of this section and shall recommend to the Secretary of the Interior that the level of imports be increased or decreased as may be required to meet increases or decreases in local demand in Puerto Rico or in demand for export to foreign areas."

In order to assist the Administrator in the discharge of his duties pursuant to the above-quoted regulation, the Administrator will hold a public hearing at San Juan, Puerto Rico, commencing at 10 a.m., July 8, 1959, in the Cabinet Room of La Fortaleza at which time all persons who are interested may appear and express their views on the levels of imports of crude oil, unfinished oils, and finished products into Puerto Rico.

Each person who plans to appear at the hearing is requested to inform the Administrator, Oil Import Administration, Department of the Interior, Washington 25, D.C., by not later than July 1, 1959, of his intention to appear and to give an estimate of the time which he thinks will be necessary for the presentation of his views.

Written comments from interested parties will also be received.

R. A. WHEALY,
Acting Administrator,
Oil Import Administration.

JUNE 19, 1959.

[F.R. Doc. 59-5231; Filed, June 22, 1959; 10:43 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BARTOW LIVESTOCK COMMISSION CO.

Proposed Posting of Stockyard

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Bartow Livestock Commission Co., Cartersville, Georgia, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of June 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-5172; Filed, June 22, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

STATE COLLEGE OF WASHINGTON

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the State College of Washington, Pullman, Washington, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the State College of Washington and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation, Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 17th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division
of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated June 19, 1956, and amendments thereto dated November 22, 1958, and March 30, 1959, (hereinafter together referred to as "the application") the State College of Washington requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the State College of Washington campus at Pullman, Washington, of a nuclear reactor (hereinafter referred to as "the facility").

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The State College of Washington is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The State College of Washington and its contractor, General Electric Company, are technically qualified to design and construct the facility.

E. The State College of Washington has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to State College of Washington will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to State College of Washington to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

1. The earliest completion date of the facility is June 30, 1959. The latest date for completion of the facility is December 31, 1959. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

2. The facility shall be constructed and located at the location in Pullman, Washington, specified in the application.

3. The general type of facility authorized for construction is a 100 kilowatt open-pool type, light water-moderated and -cooled research reactor with a heterogeneous core, utilizing enriched uranium as fuel.

This permit is provisional to the extent that a license authorizing operation of the

facility will not be issued by the Commission unless State College of Washington has submitted to the Commission (by proposed amendment of the application) certain additional data required to complete the hazards evaluation and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

Upon completion (as defined in paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the State College of Washington pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to State College of Washington for use in connection with the facility 5 kilograms of uranium 235 contained in fully enriched uranium.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-5155; Filed, June 22, 1959; 8:45 a.m.]

[Docket No. 27-5]

WALKER TRUCKING CO.

Order Postponing Hearing

On June 11, 1959, attorneys representing several intervenors filed a request seeking a 60 day delay in the reconvening of the further hearing presently scheduled for June 24, 1959. This request was similar to that made orally at the hearing on June 3rd with the addition, however, that the filed request contains the positive assurance, which was unavailable on June 3rd, that the intervenors will procure expert and technical assistance, and that time is needed for preparation by such assistants. In addition, the intervenors alleged in effect that the data sought by them may assist in their understanding of the nuclear waste disposal problems involved in the proceeding.

The Presiding Officer provided copies of this request for delay in the hearing for other participants in the hearing. Walker Trucking Company objected to the request.

The Presiding Officer finds:

1. Good cause has been shown for a delay of at least 60 days in the reconvening of the hearing in this proceeding, and that the hearing presently scheduled for June 24 should be postponed.

2. In view of the indefinite representation of the time of readiness to proceed in this case, provision should be made for a report by the intervenors when their preparation is complete so that both cross examination and presentation of any direct case can proceed expeditiously without further recesses in hearings.

The Presiding Officer orders:

A. The hearing scheduled for June 24, 1959 is postponed to a date later to be designated, upon 15 days notice to all participants, but in any event not before September 1, 1959.

B. In order to avoid a protracted hearing that might result from incomplete preparation, intervening objectors who have requested the delay in this proceeding are directed to report by September 1, 1959 to the Presiding Officer concerning their preparation and readiness to proceed with both cross examination and presentation of any direct case desired by them.

C. A date for reconvening and resumption of the hearing will be issued after September 1, 1959.

Issued: June 16, 1959, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 59-5157; Filed, June 22, 1959; 8:45 a.m.]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Application for Facility License Amendment

Please take notice that Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, under section 104c of the Atomic Energy Act of 1954, has submitted an amendment to its application for license to operate the Westinghouse Testing Reactor located near Waltz Mill, in Westmoreland County, Pennsylvania. The application amendment requests AEC authorization to increase the operating power level of the testing reactor in eight incremental steps of 5,000 kilowatts each from the presently planned 20,000 thermal kilowatt power level to a new maximum power level of 60,000 thermal kilowatts. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 16th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5156; Filed, June 22, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12782; FCC 59M-779]

RADIO AND TELEVISION NETWORK BROADCASTING

Inventory Proceeding

The Commission, by order adopted February 26, 1959, having directed that an investigatory proceeding be instituted pursuant to section 403 of the Communications Act of 1934, as amended, and that inquiry be made regarding the matters and subjects as set forth in said order; and the Commission having further ordered that the Chief Hearing Examiner shall constitute a board, within the meaning of section 5(d) of the Act, to convene, conduct and carry on said proceeding; and the proceeding having been initially convened on May 4, 1959, and public sessions having been had thereafter and adjourned without date;

It is ordered, This 18th day of June 1959, that a public session of said investigatory proceeding will be convened at the United States Courthouse, Foley Square, New York, New York, at 10:00 a.m., July 7, 1959, and carried forward from day to day thereafter for the purpose of taking testimony and receiving evidence from representatives of various advertising agencies, and others, with regard to the matters set forth in the said order of the Commission.

Released: June 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5190; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. 12828; FCC 59M-762]

PENN NO. 6, INC.

Order Continuing Hearing

In the matter of Penn No. 6, Inc., 136 East 57th Street, New York 22, New York, Docket No. 12828; order to show cause why there should not be revoked the license for radio station WD-8142 aboard the vessel "Bill Endter."

The Hearing Examiner having under consideration a motion filed by the Chief, Safety and Special Radio Services Bureau, on June 12, 1959, requesting a continuance of the hearing in the above-entitled matter from June 19, 1959, to July 20, 1959;

It appearing that good cause has been shown for the requested continuance;

It is ordered, This 15th day of June 1959, that the above-referenced motion is granted, and the hearing in the above-entitled proceeding presently scheduled for June 19, 1959, is hereby continued to July 20, 1959, at 9:30 a.m.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5191; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. 12844 etc.; FCC 59M-778]

RICHARD L. DeHART ET AL.

Order Continuing Hearing

In re applications of Richard L. DeHart, Mountlake Terrace, Washington,

Docket No. 12844, File No. BP-11312; KVOS, Inc. (KVOS), Bellingham, Washington, Docket No. 12845, File No. BP-11360; Clair Conger Fetterly, tr/as Lake Washington Broadcasting Company, Bothell, Washington, Docket No. 12846, File No. BP-11390; John W. Davis (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP-11436; for construction permits for standard broadcast stations.

Pending action on the petition of applicant Lake Washington Broadcasting Company for dismissal of its application, and in view also of the pendancy of correspondence from applicant Richard DeHart concerning his application: *It is ordered,* This 17th day of June 1959, on the Hearing Examiner's own motion, that the further prehearing conference in this proceeding now scheduled for June 18, 1959, is hereby continued to Wednesday, July 1, 1959, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.; and

It is further ordered, That the hearing in this matter now scheduled to commence on June 23, 1959, is continued to Tuesday, July 7, 1959, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: June 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5192; Filed, June 22, 1959; 8:49 a.m.]

[Docket Nos. 12854, 12855; FCC 59M-777]

GOLETA BROADCASTING ASSOCIATES ET AL.

Order Continuing Hearing

In re applications of Thomas J. Davis, Jr., and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP-12044; Bert Williamson and Lester W. Spillane, a co-partnership, Santa Barbara, California, Docket No. 12855, File No. BP-12154; for construction permits.

The Hearing Examiner having under consideration a petition filed on June 16, 1959 by Thomas J. Davis, Jr., and Robert Sherman, d/b as Goleta Broadcasting Associates, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for June 18 be continued to July 8, 1959;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition;

It is ordered, This 17th day of June 1959, that the petition be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to July 8, 1959, at 10 a.m., in Washington, D.C.;

It is further ordered, That the hearing presently scheduled for June 30, 1959, is continued to a date to be fixed at such prehearing conference.

Released: June 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5193; Filed, June 22, 1959; 8:50 a.m.]

[Docket No. 12885, etc.; FCC 59M-776]

MADISON COUNTY BROADCASTERS ET AL.

Order Scheduling Prehearing Conferences

In re applications of James B. Tharpe and Joseph L. Rosenmiller, Jr., d/b as Madison County Broadcasters, Granite City, Illinois, Docket No. 12885, File No. BP-11685; Charles H. Norman, John Karoly and George J. Moran, d/b as Tri-Cities Broadcasting Company, Granite City, Illinois, Docket No. 12886, File No. BP-11875; East Side Broadcasting Company, Granite City, Illinois, Docket No. 12887, File No. BP-12530; for standard broadcast construction permits.

It is ordered, This 16th day of June 1959, that a prehearing conference in the above-entitled proceeding will be held on June 30, 1959, in the Commission's offices, Washington, D.C.

Released: June 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5194; Filed, June 22, 1959; 8:50 a.m.]

[Docket No. 12889, etc.; FCC 59M-763]

CENTRAL MICHIGAN BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Central Michigan Broadcasting Co., Oil City, Michigan, Docket No. 12889, File No. BP-11132; Grand Haven Broadcasting Company (WGHN) Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; Harmon Leroy Stevens and John F. Wismer, d/b as Stevens-Wismer Broadcasting Company, Caro, Michigan, Docket No. 12890, File No. BP-11315; Earl N. Peterson and Pearle C. Lewis, d/b as Flat River Broadcasting Company, Greenville, Michigan, Docket No. 12891, File No. BP-11611; Lloyd L. Savage, Omer K. Wright, Jae D. Kitchen and C. Wayne Wright, d/b as Caro Broadcasting Company, Caro, Michigan, Docket No. 12892, File No. BP-11836; Robert F. Benkleman and James A. McCoy, d/b as Tuscola Broadcasting Company, Caro, Michigan, Docket No. 12893, File No. BP-12013; for construction permits for standard broadcast stations.

It is ordered, This 15th day of June 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1959, in Washington, D.C.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5195; Filed, June 22, 1959; 8:50 a.m.]

[Docket No. 12894; FCC 59M-765]

HIGH FIDELITY STATIONS, INC. (KPAP)

Order Scheduling Hearing

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115; for construction permit for standard broadcast station.

It is ordered, This 15th day of June 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 9, 1959, in Washington, D.C.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5196; Filed, June 22, 1959; 8:50 a.m.]

[Docket Nos. 12898, 12899; FCC 59M-767]

TYRONE BROADCASTING CO. (WTRN) AND TRIANGLE PUBLICATIONS, INC. (WFBG)

Order Scheduling Hearing

In re applications of Cary H. Simpson, tr/as Tyrone Broadcasting Company (WTRN), Tyrone, Pennsylvania, Docket No. 12898, File No. BP-11358; Triangle Publications, Inc. (WFBG), (Radio & Television Division), Altoona, Pennsylvania, Docket No. 12899, File No. BP-11902; for construction permits for standard broadcast stations.

It is ordered, This 15th day of June 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 9, 1959, in Washington, D.C.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5198; Filed, June 22, 1959; 8:50 a.m.]

[Canadian List 135]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

JUNE 12, 1959.

Notification under the provisions of Part III Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		969 kilocycles				
CHNS	Halifax, N.S.	10 kw	DA-N	U	III	Now in operation with increased power.
		1290 kilocycles				
CFAM	Altona, Manitoba	5 kw	DA-1	U	III	Now in operation with increased power.
		1460 kilocycles				
CJOY (PO: 1450 kc 0.25 kw N.D IV).	Guelph, Ontario	10 kw D/5 kw N	DA-2	U	III	EIO 6-10-60.
		1570 kilocycles				
CHUB	Nanaimo, B.C.	10 kw	DA-2	U	II	Now in operation with increased power.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5200; Filed, June 22, 1959; 8:50 a.m.]

[Docket No. 12897; FCC 59M–766]

SHERRILL C. CORWIN (KFMC)

Order Scheduling Hearing

In re application of Sherrill C. Corwin (KFMC), Santa Barbara, California, Docket No. 12897, File No. BMPH–5408; for modification of construction permit for FM broadcast station.

It is ordered, This 15th day of June 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 3, 1959, in Washington, D.C.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5197; Filed, June 22, 1959; 8:50 a.m.]

[Docket Nos. 12900, 12901; FCC 59M–764]

JOHN LAURINO AND CAPITAL BROADCASTING CO. (WNAV)

Order Scheduling Hearing

In re applications of John Laurino, Ashland, Virginia, Docket No. 12900, File No. BP–12112; the Capital Broadcasting Company (WNAV), Annapolis, Maryland, Docket No. 12901, File No. BP–12773; for construction permits for standard broadcast stations.

It is ordered, This 15th day of June 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 10, 1959, in Washington, D.C.

Released: June 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5199; Filed, June 22, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 308]

PACIFIC POWER & LIGHT CO.

Notice of Modification of Land Withdrawal; Oregon

JUNE 17, 1959.

Pursuant to the filing of application for license on May 19, 1922 by the Enterprise Electric Company for Project No. 308, this Commission under date of July 8, 1922, gave notice of the Bureau of Land Management (then the General Land Office) of the reservation of the NE¼NE¼ section 32, W½NW¼, SE¼NW¼, N½SW¼ section 33, T. 3 S., R. 45 E., Willamette Meridian, Oregon, comprising 240 acres of lands of the United States within the Wallowa National Forest.

An examination of the project record discloses that the aforesaid notice described lands in excess to those included in the project boundaries as described on the map exhibit filed in support thereof. The record further discloses the Enterprise Electric Company and the Inland Power & Light Company (licensee), on February 27, 1928, filed a joint application for amendment of license for which no notice of withdrawal appears to have issued.

Therefore, the notice of July 8, 1922, is modified to embrace only those lands located within the above-cited subdivisions as lie within 50 feet of the center line survey of the pipe line right-of-way, and a tract of land 300 feet square at the point of diversion, embracing in all 10.92 acres of lands of the United States.

Pursuant to the filing of application for amendment of license on February 27, 1928, as supported by the revised "Exhibit K–1" map filed March 6, 1928, for the addition of certain minor project works for the diversion of water from Royal Purple Creek an additional tract of land 300 feet by 150 feet, comprising 1.04 acres of lands of the United States, lying contiguous to the then existing diversion works and situated within the NE¼SW¼ of the above cited section 33 are from March 6, 1928, reserved from entry, location, and other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

This notice supersedes in its entirety the notice issued July 8, 1922. These lands located within the Wallowa National Forest are not otherwise reserved for power site purposes.

Copies of both the original and amendatory maps (FPC 308–2 and 308–6) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5180; Filed, June 22, 1959; 8:48 a.m.]

[Project No. 2261]

LOLO-DIVIDE CREEK TRANSMISSION LINE, WASHINGTON WATER POWER CO.

Notice of Land Withdrawal; Idaho

JUNE 18, 1959.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States, are included in Power Project No. 2261 for which completed application for license for a transmission line right-of-way was filed on April 21, 1959, by the Washington Water Power Co., East 1411 Mission, Spokane, Washington. Under said section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN

All portions of the following described subdivision lying within 50 feet of the center line survey as delimited upon maps designated as Exhibit J and Exhibit K, sheets 1 through 5 (F.P.C. Nos. 2261–1 through 6)

entitled "General map of project area, Divide Creek to Lolo Substation" and "Detail map of 230 k.v. transmission line, Divide Creek to Lolo Substation," filed in the office of the Federal Power Commission on April 21, 1959.

T. 29 N., R. 3 W.,
Sec. 5: lots 3, 4, SE¼NW¼
Sec. 19: SW¼SE¼;
Sec. 29: lot 4;
Sec. 30: lot 3, N½NE¼.
T. 30 N., R. 3 W.,
Sec. 32: lot 7.
T. 31 N., R. 3 W.,
Sec. 8: NE¼NE¼;
Sec. 9: NW¼NW¼;
Sec. 28: lot 7;
Sec. 29: SE¼SE¼;
Sec. 32: NE¼NE¼.

The Commission's general determination of April 17, 1922 (2nd. Ann. Rept. 128), regarding lands reserved for transmission line purposes only, is applicable to these lands.

Access roads shown on the abovementioned exhibits are under Interior Department permit No. Id–09429, approved August 6, 1958, and are not included in this withdrawal.

The area reserved pursuant to the filing of this application is approximately 30.84 acres, of which approximately 23.84 acres have been previously reserved in connection with Power Site Reserves No. 8 and 77 and Power Site Classifications No. 420 and 424.

Copies of the map Exhibits J and K, sheets 1 through 5 (F.P.C. Nos. 2261–1 through 6) have been transmitted to the Bureau of Land Management and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5181; Filed, June 22, 1959; 8:48 a.m.]

[Docket No. G–18749]

SOHIO PETROLEUM CO.

Order for Hearing and Suspending Proposed Change in Rate

JUNE 17, 1959.

Sohio Petroleum Company (Sohio) on May 18, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Gas Corporation (Texas Gas).
Rate schedule designation: Supplement No. 1 to Sohio's Gas Rate Schedule No. 30.
Effective date: June 18, 1959 (stated effective date is the first day after the required thirty days' notice).

The proposed redetermined price is based upon the contract provision whereby the price to be paid Sohio for the five-year period beginning June 1, 1959, shall be the average of the three highest prices being paid by transporters of natural gas produced in Railroad Commission District No. 3. In support of its proposed redetermined rate, Sohio cites the contract provisions, submits copies of the price redetermination letter agreement and states that such provisions resulted from arm's-length negotiations and that the proposed price is not in excess of the commodity value of the gas and is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Sohio's FPC Gas Rate Schedule No. 30 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Sohio's FPC Gas Rate Schedule No. 30.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 18, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5182; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. G–18750 etc.]

CONTINENTAL OIL CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates [1]

JUNE 17, 1959.

In the matters of Continental Oil Company (operator), et al., Docket No. G–18750; The Atlantic Refining Company, Docket No. G–18752; The Atlantic Refining Company (operator), et al., Docket No. G–18753.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is Texas Eastern Transmission Corporation.

The redetermined rate proposed by Continental Oil Company (operator), et al. is based upon the contract which provides that the redetermined price shall be the average of the three highest prices paid by three different transporters of gas of similar quality produced in parts of Railroad Commission Districts 2 and 4. In support of its proposed increased rate, Continental submitted copies of the letter agreement establishing the proposed redetermined rate. In addition, Continental cites the contract price redetermination provisions, other prices in the area, and states that to deny the increased price would be discriminatory.

In support of the favored-nation rate increases, the Atlantic Refining Company cites the contract provisions therefor and the price being paid by Texas Eastern Transmission Corporation to Tidewater Oil Company in the area and states that a portion of the gas sold by Tidewater is from the same well as Atlantic's gas under its Rate Schedule No. 134. Atlantic also states that such favored-nation provisions are common in long-term contracts and are beneficial to both buyer and seller in permitting low initial prices during the period when buyer's unamortized capital investment is high and providing progressively higher returns to seller contemporaneously with increases in costs. Atlantic states further that its sales contracts are arm's-length contracts since no affiliation exists between it and Texas Eastern.

	Rate schedule No.	Supplement No.	Notice of changes dated	Date tendered	Effective date [1]
1. Continental Oil Co. (operator) et al	[2] 125	11	5-13-59	5-18-59	6-18-59
2. The Atlantic Refining Co	134	6	5-1-59	5-18-59	6-18-59
3. The Atlantic Refining Co	161	5	5-1-59	5-18-59	6-18-59
4. The Atlantic Refining Co. (operator), et al	160	11	5-1-59	5-18-59	6-18-59

[1] The stated effective date is the first day after the required thirty days' notice.
[2] Present rate is in effect subject to refund in Docket No. G–15171 (Supp. No. 10).

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

changes and that the designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I) public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, each of the said supplements tendered by Respondents are hereby suspended and the use thereof deferred until November 18, 1959 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5183; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. G-18783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JUNE 17, 1959.

Transcontinental Gas Pipe Line Corporation (Transco) on May 18, 1959, tendered for filing the following revised tariff sheets: Original Sheets Nos. 28-A.1, 28-A.2, 28-A.3, 28-A.4, 28-A.5 and 28-A.6; First Revised Sheets Nos. 17-G, 28-K.2, 28-O, 28-X, 28-AA, 28-BB and 28-DD; Second Revised Sheets Nos. 10 and 28-R; Third Revised Sheets Nos. 28, 28-A and 28-Q; Fourth Revised Sheets Nos. 17 and 27; Fifth Revised Sheet No. 28-P; Sixth Revised Sheet No. 1; Seventh Revised Sheets Nos. 17-B, 17-F and 26-B; Ninth Revised Sheets Nos. 9 and 28-I; and Tenth Revised Sheets Nos. 5, 12, 16, 19 and 24 to its FPC Gas Tariff, Original Volume No. 1. The above revised tariff sheets reflect an annual increase in Transco's rates and charges for sales subject to the jurisdiction of the Commission of $15,549,531 or 11.1% based on sales for the year ended March 31, 1959, as adjusted.

The proposed increase is alleged by Transco to be based principally upon increased purchased gas costs due to shifts in sources of supply, increased rates of its suppliers, and an increase in rate of return from 6 percent to 6½ percent. Other bases for the proposed increase are (1) increased plant investment, (2) increased operating expenses, (3) increased taxes, and (4) increased depreciation expense.

In further support of its proposed rate increase, Transco states that the proposed rates are designed to maintain the present zone price differentials, and to maintain the present differential between the monthly demand charges in the General Service and Contract Demand Service rate schedules in each zone.

Also, Transco has presented actual costs for the year ended March 31, 1959, as adjusted for changes which will occur by November 30, 1959. The adjustments include, among other items, increases in purchased gas costs, utility investment, return, taxes, sales, payroll and other operating expenses.

The proposed increased rates and charges have not been fully supported in several respects, including, but not limited to, the claimed future costs of gas, the need for a 6½ percent rate of return, claimed rate base and working capital, classification and allocation of costs, and rate design.

The increased rates and charges provided for in the above revised tariffs filed by Transco have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications and services contained in Transco's Original Sheets Nos. 28-A.1, 28-A.2, 28-A.3, 28-A.4, 28-A.5 and 28-A.6; First Revised Sheets Nos. 17-G, 28-K.2, 28-O, 28-X, 28-AA, 28-BB and 28-DD; Second Revised Sheets Nos. 10 and 28-R; Third Revised Sheets Nos. 28, 28-A and 28-Q; Fourth Revised Sheets Nos. 17 and 27; Fifth Revised Sheet No. 28-P; Sixth Revised Sheet No. 1; Seventh Revised Sheets Nos. 17-B, 17-F and 26-B; Ninth Revised Sheets Nos. 9 and 28-I; and Tenth Revised Sheets Nos. 5, 12, 16, 19 and 24 to its FPC Gas Tariff, Original Volume No. 1, and that said revised tariffs and the rates and charges contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications and services contained in Transco's Original Sheets Nos. 28-A.1, 28-A.2, 28-A.3, 28-A.4, 28-A.5 and 28-A.6; First Revised Sheets Nos. 17-G, 28-K.2, 28-O, 28-X, 28-AA, 28-BB and 28-DD; Second Revised Sheets Nos. 10 and 28-R; Third Revised Sheets Nos. 28, 28-A and 28-Q; Fourth Revised Sheets Nos. 17 and 27; Fifth Revised Sheet No. 28-P; Sixth Revised Sheet No. 1; Seventh Revised Sheets Nos. 17-B, 17-F and 26-B; Ninth Revised Sheets Nos. 9 and 28-I; and Tenth Revised Sheets Nos. 5, 12, 16, 19 and 24 to its FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Transco's Original Sheets Nos. 28-A.1, 28-A.2, 28-A.3, 28-A.4, 28-A.5 and 28-A.6; First Revised Sheets Nos. 17-G, 28-K.2, 28-O, 28-X, 28-AA, 28-BB and 28-DD; Second Revised Sheets Nos. 10 and 28-R; Third Revised Sheets Nos. 28, 28-A and 28-Q; Fourth Revised Sheets Nos. 17 and 27; Fifth Revised Sheet No. 28-P; Sixth Revised Sheet No. 1; Seventh Revised Sheets Nos. 17-B, 17-F and 26-B; Ninth Revised Sheets Nos. 9 and 28-I; and Tenth Revised Sheets Nos. 5, 12, 16, 19 and 24 to its FPC Gas Tariff, Original Volume No. 1, hereby are suspended and the use thereof deferred until November 18, 1959, and until such further time as they might be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5184; Filed, June 22, 1959; 8:49 a.m.]

[Docket Nos. G-8288 etc.]

SUN OIL CO. ET AL.

Notice of Postponement of Hearing

JUNE 17, 1959.

In the matters of Sun Oil Company, Docket Nos. G-8288, G-12841, G-12880, G-13316, G-13444, G-13585, G-13617, G-13618, G-13664, G-13937, G-15010, G-15016, G-15450, G-15633, G-15743, G-16257, G-16396, G-16410, G-16621, G-16624, G-16684, G-16686, G-16700, G-16810, G-17274, G-17346, G-17717, G-18094, G-18353; Sun Oil Company (Operator) et al., Docket Nos. G-13425, G-13619, G-15011, G-15632, G-15768, G-16258, G-16622, G-16685, G-16699, G-17354, G-17923; Sun Oil Company et al., Docket No. G-13426.

Upon consideration of the motion filed June 16, 1959, by Counsel for Sun Oil Company for postponement of the hearing now scheduled for July 21, 1959, in the above-designated matters;

The hearing now scheduled for July 21, 1959, is hereby postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5185; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. G-18751]

TIDEWATER OIL CO.

Order for Hearing and Suspending Proposed Change in Rate

JUNE 17, 1959.

Tidewater Oil Company (Tidewater) on May 18, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, May 15, 1959.
Purchaser: Transcontinental Gas Pipe Line Corporation (Transco).
Rate schedule designation: Supplement No. 3 to Tidewater's Rate Schedule No. 85.
Effective date: June 18, 1959 (stated effective date is the effective date proposed by Tidewater).

The proposed favored-nation rate is based upon an initial rate paid by Transco to Oil Participations, Inc. In support of its proposed increased rate, Tidewater cites the aforementioned initial rate and states that the contract providing for its increase was arrived at by arm's-length bargaining. Tidewater states further that the favored-nation provisions were designed to assure it receipt of the commodity value of the gas during the 20-year term of the contract and thus prevent discrimination, and that the increased price is in all respects fair, just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 85 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 85.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 18, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this procedure has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5186; Filed, June 22, 1959; 8:49 a.m.]

[Docket No. G-18444]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JUNE 18, 1959.

Take notice that on May 1, 1959, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application and a supplement thereto on May 18, 1959, pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1.63 miles of 6-inch pipeline and a sales meter station to be located near Brazil, Indiana.

The estimated total capital cost of the proposed facilities is $60,700, which will be financed from funds on hand.

By means of the proposed facilities, Applicant proposes to deliver and sell up to 1,000 Mcf of gas per day to the Ayer-McCarel Clay Company, Inc., a new customer, on an interruptible basis. Estimated annual deliveries are 160,000 Mcf.

The proposed 6-inch pipeline will replace the same length of 4-inch pipeline presently used to serve two other direct industrial customers in the area. Applicant states that the present 4-inch line has become unserviceable. The new line, it contended, will be able to maintain adequate service to the existing customers as well as provide for the service proposed to Ayer-McCarel.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5187; Filed, June 22, 1959; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

COCONUT OIL HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 265,000,000 pounds of coconut oil now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of coconut oil for use in time of war, there is no longer any need for stockpiling coconut oil.

General Services Administration proposes to offer said coconut oil for sale, on a competitive basis, once every six weeks. The specific quantity to be offered for sale at each such time will not be less than 10,000,000 pounds nor more than 14,000,000 pounds.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the coconut oil covered by this notice available for sale beginning six months after date of publication of this notice in the FEDERAL REGISTER.

Dated: June 19, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-5229; Filed, June 22, 1959; 8:51 a.m.]

Public Buildings Service

[Wildlife Order 51]

KENTUCKY ORDNANCE WORKS (A-KY-435), ROSSINGTON, McCRACKEN COUNTY, KENTUCKY

Transfer of Property

Pursuant to the authority granted under Public Law 537, approved May 19,

1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated March 10, 1958, that property known as the Kentucky Ordnance Works, Rossington, McCracken County, Kentucky, and more particularly described in said deed, has been transferred from the United States to the State of Kentucky.

2. The above-described property was transferred to the State of Kentucky for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of Public Law 537.

Dated: June 15, 1959.

LAWSON B. KNOTT, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 59-5204; Filed, June 22, 1959; 8:51 a.m.]

[Wildlife Order 52]

HOLLA BEND CUTOFF PROJECT (D-ARK-427), POPE COUNTY, ARKANSAS

Transfer of Property to Secretary of Interior

Pursuant to the authority granted under Public Law 537, approved May 18, 1948, Eightieth Congress, (16 U.S.C. 667c), notice is hereby given that:

1. By letter of transfer from the Regional Commissioner of General Services to the Assistant Secretary for Fish and Wildlife, Department of the Interior, dated August 15, 1957, that property known as Holla Bend Cutoff Project, Pope County, Arkansas, and more particularly described in said letter, has been transferred to the Secretary of the Interior.

2. The above-described property was transferred to the Secretary of Interior for migratory bird conservation purposes in accordance with the provisions of Public Law 537.

Dated: June 15, 1959.

LAWSON B. KNOTT, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 59-5205; Filed, June 22, 1959; 8:51 a.m.]

[Wildlife Order 53]

FEDERAL REFORMATORY (J-OHIO-483), CHILLICOTHE, ROSS COUNTY, OHIO

Transfer of Property

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated January 30, 1959, that property known as the Federal Reformatory, Chillicothe, Ross County, Ohio, and more particularly described in said deed, has been transferred from the United States to the State of Ohio.

2. The above-described property was transferred to the State of Ohio for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of Public Law 537.

Dated: June 15, 1959.

LAWSON B. KNOTT, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 59-5206; Filed, June 22, 1959; 8:51 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM

Call for Report of Condition

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Wednesday, June 10, 1959, on Form 64 (Savings).[1]

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 50-5177; Filed, June 22, 1959; 8:48 a.m.]

INSURED STATE BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Report of Condition

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition on Form 64—Call No. 51,[1] and a Schedule A.2, Announcement of a New Item in Schedule A, Loans and Discounts, and Reconciliation Between Present and Revised Schedules,[1] as of the close of business Wednesday, June 10, 1959.

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64", dated December, 1955, and Schedule A.2 shall be prepared in accordance with instructions printed on the Schedule.

[1] Filed as part of original document.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 59-5178; Filed, June 22, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Taylor's I.C.C. Order 101]

RAILROADS SERVICING NEW YORK HARBOR AREA

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, an emergency exists concerning rail floating operations of railroads serving New York harbor area because of work stoppage of tug boat operators.

It is ordered, That:

(a) Rerouting traffic: Railroads, serving New York harbor area, affected by work stoppage of tug boat operators are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 5:00 p.m., June 15, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1959, unless

otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 15, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5168; Filed, June 22, 1959; 8:47 a.m.]

[Notice 142]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 18, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61683. By order of June 15, 1959, Division 4, approved the transfer to Triple-M-Transportation Corp., New York, N.Y., of Certificate No. MC 46875, issued February 28, 1957, to Central Rigging & Contracting Corp., New York, N.Y., authorizing the transportation of: Machinery and such commodities as require special equipment and handling by reason of size or weight, and office furniture, fixtures, equipment, and supplies when handled in connection with the removal of an industrial establishment and as a part of such removal, between New York, N.Y., and points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. William D. Traub, 10 East 40th Street, New York, N.Y., for applicants.

No. MC-FC 61942. By order entered June 15, 1959, The Commission, Division 4, acting as an Appellate Division, approved the transfer to J. L. Clay, Houston, Texas, of a Certificate issued September 13, 1957, to Bill G. Robinson, Inc., Houston, Texas, authorizing the transportation of oilfield equipment, between Houston, Tex., and oilfield locations in Louisiana, and from Houston, Texas, to oilfield locations in Texas; and machinery, materials, supplies, and equipment, used in oilfield operations, from and to specified points in Texas. Albert G. Walker, Attorney at Law, 202 Capital National Bank Building, Austin 16, Texas.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5169; Filed, June 22, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35508: *Vegetables—Southeastern points to southern and official territories.* Filed by O. W. South, Jr., Agent, (SFA No. A3817), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from specified points in Alabama, Louisiana (east of the Mississippi River), and Mississippi to destinations in southern territory including Helena, Ark., Ohio River crossings and Virginia Cities, and in official (including Illinois) territory.

Grounds for relief: Rate relationship formula, grouping, and motor truck competition.

FSA No. 35509: *Petroleum coke—Gilsonite, Colo., to official territory.* Filed by Western Trunk Line Committee, Agent, (No. A-2070), for interested rail carriers. Rates on petroleum coke, carloads, from Gilsonite, Colo., to specified points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

Grounds for relief: Modified short-line distance formula and application of rates through higher-rated intermediate territory.

Tariff: Supplement 116 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4171.

FSA No. 35510: *Blackstrap molasses—Western Louisiana to McKenzie, Tenn.* Filed by New Orleans Freight Tariff Bureau, Agent, (A-62), for interested rail carriers. Rates on blackstrap molasses, tank-car loads from specified points in western Louisiana to McKenzie, Tenn.

Grounds for relief: Market competition with Baton Rouge and New Orleans, La., and other producing points east of the Mississippi River.

Tariff: Supplement 18 to New Orleans Freight Tariff Bureau tariff I.C.C. N-4.

FSA No. 35511: *Substituted service—C. & N.W. Ry. for Hennepin Trans. Co.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 173), for the Chicago and North Western Railway Company, the Hennepin Transportation Co., Inc., and other motor carriers referred to in the application. Rates on property loaded in trailers and transported on railroad flat cars between St. Paul, Minn., and Butler, Wis., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 102 to Middlewest Motor Freight Bureau Tariff MF-I.C.C. 223.

By the Commission.

HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5170; Filed, June 22, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 229]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Application for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Sheridan (hail and rain occurring on or about June 3, 1959).

Offices: Small Business Administration, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, 215 Board of Trade Building, 120 South Market Street, Wichita 2, Kans.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1959.

Dated: June 8, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-5167; Filed, June 22, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during June. Proposed rules, as opposed to final actions, are identified as such.